

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
) **Cr. No. 19-135-2**
)
)
WESLEY COX)

Memorandum Opinion and Order

Presently before the Court is Wesley Cox’s Motion to Amend the Presentence Report. ECF No. 1049. He asserts that he is eligible for a two-point reduction in his criminal history under Amendment 821 to the United States Sentencing Guidelines. Mr. Cox requests that the Court order the Probation Office to revise his Presentence Investigation Report to reflect the two-level reduction, which he claims will result in the Bureau of Prisons (BOP) lowering his Security and Custody Classification. *See* Federal Bureau of Prison’s Program Statement P5100.08, *Inmate Security Designation and Custody Classification*, Sept. 12, 2006, amended by Change Notice, Sept. 4, 2019. The Motion will be denied because, even with the two-level reduction in criminal history points, Mr. Cox’s BOP classification remains the same.

Mr. Cox does qualify for a reduction in his criminal history points under section 4A1.1(e), because he was originally assessed two “status” points. Mr. Cox was determined to have a total criminal history score of 6, which includes two points for having committed his offenses while under a criminal justice sentence, as set forth in § 4A1.1(e). Within the BOP’s classification system, a criminal history score of 6 equates to an inmate security classification level of “4.” Program Statement P5100.08, at Ch. 4, page 8 (Inmate Load and Security Designation Form Instructions (BP-337)) & Ch. 6, page 5 (Custody Classification Form Instructions (BP-338)). With the two-point

reduction, Mr. Cox's total criminal history score becomes 4. However, the BOP's classification system still equates a criminal history score of 4 to an inmate security classification level of "4." *Id.* (specifically, an inmate with a criminal history score of 4, 5, or 6 is assigned a classification level of "4"). Thus, Mr. Cox's classification level remains the same, even with the two-level reduction in criminal history points. Therefore, ordering the Probation Office to revise Mr. Cox's Presentence Investigation Report would have no effect on Mr. Cox's classification within the BOP. An appropriate Order follows.

ORDER

AND NOW, this 5th day of August 2024, it is hereby ORDERED that Mr. Cox's Motion to Amend the Presentence Report is DENIED.

s/Marilyn J. Horan
Marilyn J. Horan
United States District Judge

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